

1 Spencer Lee Johnson (Estate)**Case No. 13CEPR00631**

Atty Fleming, Gilbert (for Gloria Johnson – Administrator with Will Annexed)

(1) First and Final Report of Status of Administration on Waiver of Account
and (2) Petition for Compensation to Attorney for Ordinary Services, and
(3) Final Distribution

DOD: 3-4-13	GLORIA JOHNSON , Administrator With Will Annexed, with Full IAEA without bond, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Accounting is waived.	
<input type="checkbox"/> Aff.Sub.Wit.	I&A: \$168,464.63	
<input checked="" type="checkbox"/> Verified	POH: \$34,752.31	
<input checked="" type="checkbox"/> Inventory	Administrator (Statutory): \$6,213.39	
<input checked="" type="checkbox"/> PTC	Attorney (Statutory): \$6,213.39	
<input checked="" type="checkbox"/> Not.Cred.	Closing: \$500.00	
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.	Distribution pursuant to decedent's will:	
<input type="checkbox"/> Sp.Ntc.	Gene Cornell Johnson: \$5,456.38	
<input type="checkbox"/> Pers.Serv.	Paul Herbert Johnson: \$5,456.38	
<input type="checkbox"/> Conf. Screen	Wilma Johnson: \$5,456.38	
<input checked="" type="checkbox"/> Letters	Annie Clara Hilton aka Annie Clara Helton: \$5,456.38	
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input checked="" type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input checked="" type="checkbox"/> FTB Notice		

Reviewed by: skc
Reviewed on: 6-13-14
Updates:
Recommendation: SUBMITTED
File 1 – Johnson

(1) First and Final Report of Personal Representative, (2) Petition for Termination of Decedent's Estate, and (3) Allowance of Attorneys' Fees on Waiver of Accounting

DOD: 12-9-02		FRANK QUATRARO , Executor with Full IAEA without bond, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: <u>Note:</u> Petitioner was formerly represented by attorney Rodney Guyette of Walnut Creek, CA. As previously explained to the Court, Petitioner signed documentation in 2006 to close the estate and was under the erroneous belief that the administration had been concluded. The decedent's will devised the personal property to her heirs and the real property to the trust. All property has been distributed, and all heirs consent to this petition. 1. Need order. <u>Note to Judge:</u> California Bar records indicate that attorney Guyette was suspended from practicing law in 2007; therefore, Examiner did not bring up the issue of splitting fees between the two attorneys. See printout on left side of file.
		Accounting is waived	
		I&A: \$208,207.19	
		POH: \$0.00	
	Aff.Sub.Wit.		
✓	Verified		
✓	Inventory	Executor (Statutory): Waived	
✓	PTC		
✓	Not.Cred.	Attorney: An amount not to exceed the statutory amount of \$7,164.14 to be paid by Petitioner at agreed-upon rates.	
✓	Notice of Hrg		
✓	Aff.Mail	Costs: \$435.00	
	Aff.Pub.		
	Sp.Ntc.	Petitioner requests an order that:	
	Pers.Serv.	1. The administration of the estate be closed without an accounting;	
	Conf. Screen	2. All acts and proceedings of the petitioner as personal representative be confirmed and approved;	
✓	Letters	3. Petitioner be authorized and directed to pay to Baker Manock & Jenson PC an amount not to exceed the statutory compensation of \$7,164.14 as fees for ordinary services to petitioner and \$435 for costs advanced;	
	Duties/Supp		
	Objections	4. Distribution of the estate in petitioner's hand and any other property of the decedent not now known or discovered be made to the persons entitled to it as set forth in the petition; and	
	Video Receipt		
	CI Report		
✓	9202		
	Order	X	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
N/A	FTB Notice	5. Such further order be made as the Court considers proper.	

Reviewed by: skc
Reviewed on: 6-13-14
Updates:
Recommendation:
File 2 - Quatraro

Age:		NEEDS/PROBLEMS/COMMENTS:	
DOD:			
Cont. from			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
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Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
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Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
Reviewed by:			
Reviewed on:			
Updates:			
Recommendation:			
File			

DOD: 3-9-13		ANGIE STUCKEY , Executor with Full IAEA without bond, is Petitioner. Accounting is waived. I&A: \$216,369.14 POH: \$243,229.09 (\$180,346.18 is cash) Executor (Statutory): Waived Attorney (Statutory): \$7,327.38 Costs: \$675.47 Distribution pursuant to Decedent's will: Angie Stuckey, Trustee of the Kenneth L. Fries Living Trust dated January 28, 2010: Entire estate	NEEDS/PROBLEMS/COMMENTS: 1. The personal representative and trustee are the same person; therefore, need proof of service of Notice of Hearing at least 15 days prior to the hearing on the trust beneficiaries. Probate Code §1208. 2. Costs include \$490.07 for the filing of the original petition; however, the filing fee is \$435.00. Need clarification as to the additional \$55.07 with reference to Local Rule 7.17. Please note that runner services are considered by the Court to be a cost of doing business and are not reimbursable. As such, the Court may disallow the additional \$55.07. 3. Need order. See Local Rule 7.6.1.	
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✓	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			W
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
✓	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
✓	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
✓	FTB Notice			
Reviewed by: skc Reviewed on: 6-13-14 Updates: Recommendation: File 4 - Fries				

DOD: 7-20-13		<p>DIANE THOMPSON, Administrator with Full IAEA with bond of \$285,000.00, is Petitioner.</p> <p>Petitioner requests that BRUCE BICKEL be appointed as Guardian Ad Litem to represent the interests of beneficiary RICHARD THOMPSON, a person with a disability within the meaning of Probate Code §3603.</p> <p>Petitioner states a Guardian Ad Litem is needed because Richard Thompson's whereabouts are unknown. Petitioner is informed and believes and thereon alleges that Richard Thompson is a paranoid schizophrenic currently living on the streets with no known mailing address.</p> <p>Bruce Bickel consents to act as Guardian Ad Litem.</p> <p>The proposed order authorizes the Guardian Ad Litem to advise Richard Thompson as to his rights as an heir at law to the Estate of Suzanne Y. Thompson and receive notices on his behalf.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. The Court may require a declaration of due diligence regarding efforts to locate and serve Richard Thompson. 2. The Court may require clarification as to the purpose or need for a guardian ad litem to represent Mr. Thompson's interests. 	
	Aff.Sub.Wit.			
✓	Verified			
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	Pers.Serv.			
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✓	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			<p>Reviewed by: skc</p> <p>Reviewed on: 6-13-14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 5 - Thompson</p>	

Atty Escobedo, Ernest Escobedo (Pro Per Petitioner)

Atty Escobedo, Christine (Pro Per Petitioner)

**Petition for Letters of Administration; Authorization to
Administer Under IAEA (Prob. C. 8002, 10450)**

DOD: 11-10-13		ERNEST and CHRISTINE ESCOBEDO , parents, are Petitioners and request appointment as Co-Administrators with Limited IAEA with bond of \$12,500.00. IAEA: Need publication Decedent died intestate Residence: Kerman, CA Publication: Need publication Estimated value of estate: Personal property: \$12,501.00 Probate Referee: Steven Diebert	NEEDS/PROBLEMS/COMMENTS: Continued from 3-4-14, 4-15-14 <u>Note: Petitioners were formerly represented by Attorney Glenn R. Wilson; however, pursuant to substitutions filed 5-20-14, Petitioners are now self-represented.</u> The following issues have not been addressed: 1. Need Notice of Petition to Administer Estate DE-121. 2. Need proof of service of Notice of Petition to Administer Estate on relatives listed at #8 at least 15 days prior to the hearing per Probate Code §8110. 3. Need publication pursuant to Probate Code §8120 and Local Rule 7.9. 4. On 6-5-14, Petitioners filed a bond in the amount of \$12,500.00; <u>however, the bond is incorrect.</u> The bond indicates that Petitioners are individually "bound unto Fresno Superior Court;" however, pursuant to Probate Code §8480, the bond should cover Petitioners in their capacity as Co-Administrators of the estate for the benefit of the estate, not the Court. Petitioners may wish to confirm appointment in this matter before obtaining bond. <u>Based on the foregoing, Petitioners may wish to research how to probate an estate at the Fresno County Law Library or seek assistance from an attorney going forward.</u> <u>Note to Judge:</u> Examiner has not set status dates because it does not appear that this petition can be granted at this time.	
Cont. from 030414, 041514				
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<input type="checkbox"/>	Aff.Pub.			<input checked="" type="checkbox"/>
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
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<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
Reviewed by: skc Reviewed on: 6-13-14 Updates: Recommendation: File 6 – Escobedo				

Atty Boyett, Deborah K., of Walter & Wilhelm Law Group (for Petitioners Janet Sorensoen & Harriet

Petition to Establish Court Supervision of Special Needs Trust

Age:		JANET L. SORENSEN, sister, and HARRIET SATTERBERG, sister-in-law, Co-Trustees of the George W. Satterberg, Jr., Special Needs Trust , are Petitioners.	NEEDS/PROBLEMS/COMMENTS:
DOB: 3/18/1949			
Cont. from		<p>Petitioners state:</p> <ul style="list-style-type: none"> They are the Co-Trustees of the George W. Satterberg, Jr., Special Needs Trust [SNT] pursuant to this Court's order entered 3/17/2014 in the matter styled <i>Conservatorship of the Estate of George W. Satterberg, Jr., Conservatee</i>, Case No. 13CEPR01012 (copy of the order which includes the complete terms of the SNT attached as Exhibit A); George W. Satterberg, Jr., is the sole Beneficiary of the SNT, and has a disability that substantially impairs his ability to provide for his own care of custody and constitutes a substantial handicap; The Beneficiary is eligible to and is currently receiving ~\$4,000.00 per month in Medi-Cal benefits, all of which is applied against the [Beneficiary's] medically necessary expenses and pays all of the cost of his board and care at a skilled nursing facility; Bond has been posted by the Co-Trustees of the SNT in the amount of \$42,691.00 (copy of bond filed on 4/21/2014 in Case No. 13CEPR01012 attached as Exhibit B); Local Rule 7.1.2 provides that all initial proceedings for court supervision of trusts require assignment of a new case number; accordingly, Petitioners request this Court confirm its jurisdiction and supervision of the SNT by order establishing the same. <p align="center">~Please see additional page~</p>	
	Aff.Sub.Wit.		
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	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

1. *Proof of Bond* was filed in the Conservatorship of George William Satterberg Jr., Case 13CEPR01012, on 4/21/2014. However, the bond must be associated specifically with the **George W. Satterberg, Jr., Special Needs Trust**, and thus the **bond must be reissued by the surety to Case No. 14CEPR00393**. In all fairness to the Petitioners, the proof of bond was erroneously sought by the Court to be filed in the Conservatorship case number via *Status Hearing* on 5/2/2014. In actuality, the Court requires the bond to be posted in the specific case containing the trust assets which the bond is designed to protect pursuant to Probate Code § 15602(c) and (d), which provides that the bond shall be filed by the **Trustee** (not the Conservator), and the cost of the bond shall be charged against the **Trust**. **Need proof of bond to be reissued and filed in Case No. 14CEPR00393.**

~Please see additional page~

Reviewed by: LEG

Reviewed on: 6/13/14

Updates:

Recommendation:

File 7 - Satterberg

Additional Page 7, George W. Satterberg, Jr., Special Needs Trust Case No. 14CEPR00393

Petitioners pray for an Order that the George W. Satterberg, Jr., Special Needs Trust established by Order *[Authorizing Proposed Action and Establishing Special Needs Trust filed]* on 3/17/2014 is subject to this Court's supervision and jurisdiction under [Case No. 14CEPR00393.]

Note Re Special Needs Trust Status Hearings: Court will set status hearings as follows:

- **Thursday July 17, 2014 at 9:00 a.m. in Dept. 303** for filing of the proof of bond in the SNT Case No. 14CEPR00393; and
- **Thursday August 27, 2015 at 9:00 a.m. in Dept. 303** for filing of first account of the SNT;

Note Re Conservatorship Status Hearing: Court will need to **vacate** the Status Hearing set in the Conservatorship Case No. 13CEPR01012 for **Friday July 17, 2015** because the Court no longer sets status hearing on Fridays. In order to correspond the Status Hearings for both the Conservatorship and the SNT cases, the Court will set a Status Hearing in the **Conservatorship Case No. 13CEPR01012 for Thursday August 27, 2015 at 9:00 a.m. in Dept. 303** for filing of the first account of the Conservatorship.

Petition for Letters of Administration; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 01/16/2014 Cont. from <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;"></td> <td style="width: 70%;">Aff.Sub.Wit.</td> <td style="width: 20%;"></td> </tr> <tr> <td></td> <td>Verified</td> <td></td> </tr> <tr> <td>✓</td> <td>Inventory</td> <td></td> </tr> <tr> <td></td> <td>PTC</td> <td></td> </tr> <tr> <td></td> <td>Not.Cred.</td> <td></td> </tr> <tr> <td>✓</td> <td>Notice of Hrg</td> <td></td> </tr> <tr> <td>✓</td> <td>Aff.Mail</td> <td>w/o</td> </tr> <tr> <td>✓</td> <td>Aff.Pub.</td> <td></td> </tr> <tr> <td></td> <td>Sp.Ntc.</td> <td></td> </tr> <tr> <td></td> <td>Pers.Serv.</td> <td></td> </tr> <tr> <td></td> <td>Conf. Screen</td> <td></td> </tr> <tr> <td></td> <td>Letters</td> <td>x</td> </tr> <tr> <td>✓</td> <td>Duties/Supp</td> <td></td> </tr> <tr> <td></td> <td>Objections</td> <td></td> </tr> <tr> <td></td> <td>Video Receipt</td> <td></td> </tr> <tr> <td></td> <td>CI Report</td> <td></td> </tr> <tr> <td></td> <td>9202</td> <td></td> </tr> <tr> <td></td> <td>Order</td> <td>x</td> </tr> <tr> <td></td> <td>Aff. Posting</td> <td></td> </tr> <tr> <td></td> <td>Status Rpt</td> <td></td> </tr> <tr> <td></td> <td>UCCJEA</td> <td></td> </tr> <tr> <td></td> <td>Citation</td> <td></td> </tr> <tr> <td></td> <td>FTB Notice</td> <td></td> </tr> </table>		Aff.Sub.Wit.			Verified		✓	Inventory			PTC			Not.Cred.		✓	Notice of Hrg		✓	Aff.Mail	w/o	✓	Aff.Pub.			Sp.Ntc.			Pers.Serv.			Conf. Screen			Letters	x	✓	Duties/Supp			Objections			Video Receipt			CI Report			9202			Order	x		Aff. Posting			Status Rpt			UCCJEA			Citation			FTB Notice		<p>LEE X. YANG, nephew is petitioner and requests appointment as Administrator without bond.</p> <p>All heirs waive bond</p> <p>Full IAEA – o.k.</p> <p>Residence: Fresno Publication: The Business Journal</p> <p>Estimated value of the Estate:</p> <table style="width: 100%;"> <tr> <td>Personal property</td> <td style="text-align: right;">-</td> <td style="text-align: right;">\$6,100.00</td> </tr> <tr> <td>Real property</td> <td style="text-align: right;">-</td> <td style="text-align: right;">\$389,000.00</td> </tr> <tr> <td>Total</td> <td style="text-align: right;">-</td> <td style="text-align: right;">\$395,000.00</td> </tr> </table> <p>Probate Referee: Rick Smith</p>	Personal property	-	\$6,100.00	Real property	-	\$389,000.00	Total	-	\$395,000.00	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Petitioner is not listed on #8 of the petition as required. 2. Need Confidential Supplement to Duties & Liabilities of Personal Representative form DE-147S. 3. Need Letters. 4. Need Order. <p>Note: If the petition is granted status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Tuesday, 11/18/2014 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> • Tuesday, 08/18/2015 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>Reviewed by: LV</td> </tr> <tr> <td>Reviewed on: 06/13/2014</td> </tr> <tr> <td>Updates:</td> </tr> <tr> <td>Recommendation:</td> </tr> <tr> <td>File 8 - Lee</td> </tr> </table>	Reviewed by: LV	Reviewed on: 06/13/2014	Updates:	Recommendation:	File 8 - Lee
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Age: 18 years		<p>THERE IS NO TEMPORARY. No temporary was requested.</p> <p>PHILLIP BUENO and JUDITH BUENO, parents request appointment as conservator of the person with medical consent powers.</p> <p>Declaration of Rod Kraft, M.D., 5/6/14.</p> <p>Petitioners state the proposed conservatee has cerebral palsy, mental retardation, cystic fibrosis and chronic limited renal function. Proposed conservatee requires the appointed of co-conservators to assure that she is well taken care of and there her specific medical needs are met.</p> <p>Court Investigator Dina Calvillo's Report filed on 6/11/14.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Court Investigator Advised Rights on 6/9/11.</p> <p>Voting Rights Affected need Minute Order.</p> <p>1. Need proof of service of the Notice of Hearing and a copy of the petition at least 30 days prior to the hearing on Central Valley Regional Center pursuant to Probate Code §1822(e).</p>	
Cont. from				
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	UCCJEA			
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<p>Reviewed by: KT</p> <p>Reviewed on: 6/16/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 9 - Bueno</p>				

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 6/29/11		EVELYN C. LAUDERDALE , named executor without bond, is petitioner. Full IAEA - o.k. Will dated: 8/23/2007 Codicil dated: 12/13/10 Residence: Fresno Publication: Fresno Business Journal Estimated value of the Estate: Personal property - \$247,385.00 Probate referee: Steven Diebert	NEEDS/PROBLEMS/COMMENTS:	
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
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Reviewed by: KT				
Reviewed on: 6/16/14				
Updates:				
Recommendation: SUBMITTED				
File 10 - Shubin				

DOD: 4-4-12	<p>LOUIS WAYNE WIEBE, Son, was appointed Executor with Full IAEA without bond and Letters issued on 6-25-12.</p> <p>On 6-25-13, the Court set this status hearing for the filing of the first account or petition for final distribution.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued from 8-23-13, 10-11-13, 12-13-13, 2-14-14, 4-15-14</u></p> <p><u>Minute Order 8-23-13: No appearances.</u> Matter continued to 10/11/13. Jeffrey Simonian is ordered to be personally present on 10/11/13 if the first account and petition for final distribution have not been filed.</p> <p><u>Minute Order 10-11-13: No appearances.</u> The Court sets the matter for an Order to Show Cause on 12-13-13 regarding Jeffrey Simonian's failure to appear and imposition of sanctions in the amount of \$500.00. Jeffrey Simonian and Louis Wiebe are ordered to be personally present on 12-13-13. Continued to 12-13-13. OSC set on 12-13-13.</p> <p><u>Minute Order 12-13-13:</u> Counsel informs the Court that the estate has sold the real property and is disposing of the vehicles. The Order to Show Cause is dismissed.</p> <p><u>Minute Order 2-14-13:</u> Continued to 4-15-14.</p> <p><u>Minute Order 4-15-14:</u> Only issue left is the creditor's claims.</p> <p><u>As of 6-13-14, nothing further has been filed.</u></p> <p><u>Note:</u> I&A filed 11-27-12 indicates a total estate value of \$208,915.73 consisting of cash and various real and personal property.</p> <p><u>Note:</u> There are four (4) separate creditor's claims filed in this estate.</p> <ol style="list-style-type: none"> 1. Need first account or petition for final distribution or written status report per local rules. 2. Need proof of service of Notice of Hearing on Wells Fargo Card Services per Request for Special Notice filed 6-5-12.
Cont from 082313, 101113, 121313, 021414, 041514		
Aff.Sub.Wit.		
Verified		
Inventory		
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Citation		
FTB Notice		
<p>Reviewed by: skc</p> <p>Reviewed on: 6-13-14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 11 – Wiebe</p>		

Status Hearing Re: Distribution to Granddaughter's Trust

Bernice C. Kasabian DOD: 1-17-13		JENNIFER KAPUR , Granddaughter and beneficiary, filed a Petition to Determine Existence of Trust on 6-12-13.	NEEDS/PROBLEMS/COMMENTS: <u>Continued from 1-21-14, 2-25-14, 4-15-14</u> Minute Order 9-10-13: Mr. Roberts indicates that he will send out the notices to the beneficiaries and complete the administration. Minute Order 10-8-13: Mr. Roberts is appearing via CourtCall. Mr. Teixeira informs the Court that one of the amendments was not signed. Continued to 11-5-13. Minute Order 11-5-13: Mr. Roberts advises the Court that he has the checks for the twenty beneficiaries which will be distributed within a week at which time he can begin working on the accounting. Set on 1-21-14 for Status Re Distribution to Granddaughter's Trust and Status Re Accounting. Minute Order 1-21-14: Mr. Roberts advises the Court that Mr. Kahler has been ill so the accounting has not been completed. <u>As of 6-13-14, nothing further has been filed.</u>
Cont. from 012114, 022514, 041514			
Aff.Sub.Wit.		Order Determining Existence of Trust filed 7-30-13 orders that Dana T. Kahler provide a true and correct copy of the trust, including the operative amendments. <i>Note: Proposed language ordering Dana T. Kahler to account was stricken from the order.</i> Minute Order 7-30-13: Mr. Roberts requests a continuance to speak with Dana Kahler. The Court grants the petition and denies the request for an accounting finding that it is premature at this time. Matter is set for Status Hearing on 9/10/13. The Court orders Dana Kahler to be personally present at the next hearing. Dana Kahler is ordered to provide evidence of any notices the he has given and/or other actions he has taken as trustee. In addition, Dana Kahler is ordered to file all documents with this court and provide copies to Mr. Teixeira and Mr. Roberts. Set on 9/10/13 at 9:00am in Dept. 303 for Status Hearing. Petition is granted before Court Trial. Order signed. A copy of the minute order was mailed to Attorneys Teixeira and Roberts and to Dana Kahler on 8-5-13.	
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Objections			
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Status Rpt			
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Citation			
FTB Notice			
		Reviewed by: skc Reviewed on: 6-13-14 Updates: Recommendation: File 12A – Kasabian	

12B In Re: The Bernice C. Kasabian Trust

Atty Teixeira, J. Stanley (for Jennifer Kapur – Petitioner)
 Atty Roberts, Greg

Case No.13CEPR00514

Status Hearing Re: Accounting

Bernice C. Kasabian DOD: 1-17-13		JENNIFER KAPUR , Granddaughter and beneficiary, filed a Petition to Determine Existence of Trust on 6-12-13.	NEEDS/PROBLEMS/COMMENTS:
			<u>Continued from 1-21-14, 2-25-14, 4-15-14</u>
Cont. from 012114, 022514, 041514		Order Determining Existence of Trust	Note to Judge: Attorney Greg Roberts prepared the trust and numerous amendments for the decedent. It is not known by the Examiner if he represents the Trustee Dana Kahler.
Aff.Sub.Wit.		filed 7-30-13 orders that Dana T. Kahler provide a true and correct copy of the trust, including the operative amendments.	Minute Order 9-10-13: Mr. Roberts indicates that he will send out the notices to the beneficiaries and complete the administration.
Verified			Minute Order 10-8-13: Mr. Roberts is appearing via CourtCall. Mr. Teixeira informs the Court that one of the amendments was not signed. Continued to 11-5-13.
Inventory		<i>Note: Proposed language ordering Dana T. Kahler to account was stricken from the order.</i>	Minute Order 11-5-13: Mr. Roberts advises the Court that he has the checks for the twenty beneficiaries which will be distributed within a week at which time he can begin working on the accounting. Set on 1-21-14 for Status Re Distribution to Granddaughter's Trust and Status Re Accounting.
PTC			<u>As of 6-13-14, nothing further has been filed.</u>
Not.Cred.		Minute Order 7-30-13: Mr. Roberts requests a continuance to speak with Dana Kahler. The Court grants the petition and denies the request for an accounting finding that it is premature at this time. Matter is set for Status Hearing on 9/10/13. The Court orders Dana Kahler to be personally present at the next hearing. Dana Kahler is ordered to provide evidence of any notices the he has given and/or other actions he has taken as trustee. In addition, Dana Kahler is ordered to file all documents with this court and provide copies to Mr. Teixeira and Mr. Roberts. Set on 9/10/13 at 9:00am in Dept. 303 for Status Hearing. Petition is granted before Court Trial. Order signed.	Note to Judge: A copy of the Examiner Notes from the 7-30-13 hearing is on the left side of the file for your reference.
Notice of Hrg			Reviewed by: skc
Aff.Mail			Reviewed on: 6-13-14
Aff.Pub.			Updates:
Sp.Ntc.			Recommendation:
Pers.Serv.			File 12B – Kasabian
Conf. Screen			
Letters			
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Video Receipt			
CI Report			
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Order			
		A copy of the minute order was mailed to Attorneys Teixeira and Roberts and to Dana Kahler on 8-5-13.	
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

Dept. 303, 9:00 a.m. Tuesday, June 17, 2014

	MELINDA CORDELL filed Petition to Determine Whether Advance Health Care Directive has Terminated; Petition to Determine Whether Durable Power of Attorney has Terminated on 2-25-14.	NEEDS/PROBLEMS/COMMENTS:
		Note: On 6-3-14, Melinda Cordell filed Ex Parte Petition for Order Regarding Mental Examination. Pursuant to Order 6-4-14, the petition was set for hearing on 6-25-14. Phillip Rolfe filed a Response on 6-4-14.
<input type="checkbox"/> Aff.Sub.Wit.	Objections were filed by PHILLIP ROLFE and JOSEPH LEWIS HORSWILL .	
<input type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg	Minute Order 5-27-14: The issue of accountings is reserved by the Court. Phillip Rolfe is ordered to provide Melinda Cordell copies of everything he receives including, but not limited to bank statements beginning 6/1/14. Continued to 6/17/14 @ 9:00 a.m. Dept. 303. Set on 6/17/14 @ 9:00 a.m. Dept. 303 for: Status Hearing	Please note that because the petition was set for hearing, a filing fee of \$435 is due from both Petitioner and Mr. Rolfe (for Response).
<input type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
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<input type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		Reviewed by: skc
<input type="checkbox"/> Status Rpt		Reviewed on: 6-13-14
<input type="checkbox"/> UCCJEA		Updates:
<input type="checkbox"/> Citation		Recommendation:
<input type="checkbox"/> FTB Notice		File 13 - Cordell

**Petition to Determine Whether Advanced Health Care Directive has Terminated:
 Petition to Determine Whether Durable Power of Attorney has Terminated
 Probate Code §§ 4541, 4766**

		MELINDA CORDELL , Principal, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: Continued from 3-19-14, 5-27-14 Minute Order 3-19-14: The Court directs Mr. Rindlisbacher to prepare an order for Ms. Cordell's examination by Dr. Terrell. Order to include the necessary HIPPA waivers. Status quo to remain pending the next hearing. Continued to: 6/17/14 at 09:00a.m. Set on: 6/17/14 at 09:00a.m. in Dept 303 for: Status Hearing Re: Doctor's Report (Note: Per order of 5-7-14, the continuance was reset from 6-17-14 to 5-27-14. However, on 5-27-14, the matter was again continued to and set for status on 6-17-14.) Minute Order 5-27-14: The issue of accountings is reserved by the Court. Phillip Rolfe is ordered to provide Melinda Cordell copies of everything he receives including, but not limited to bank statements beginning 6/1/14. Continued to 6/17/14 @ 9:00 a.m. Dept. 303. Set on 6/17/14 @ 9:00 a.m. Dept. 303 for: Status Hearing Note: On 6-3-14, Melinda Cordell filed Ex Parte Petition for Order Regarding Mental Examination. Pursuant to Order 6-4-14, the petition was set for hearing on 6-25-14. Phillip Rolfe filed a Response on 6-4-14. <i>Please note that because the petition was set for hearing, a filing fee of \$435 is due from both Petitioner and Mr. Rolfe (for Response).</i>
Cont from 031914, 052714		Petitioner states she presently resides at Somerford Place of Fresno, a facility licensed to provide care for those how have been diagnosed with dementia, which she does not have. Petitioner is not married and has no children.	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
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<input type="checkbox"/>	CI Report		
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<input type="checkbox"/>	Order	X	
		Petitioner previously signed a Durable Power of Attorney and an Advanced Health Care Directive (Exhibits A and B).	
		On 9-19-12, Petitioner resigned as trustee of her own trust because of ill health and other personal reasons. PHILLIP ROLFE began serving as trustee from that point. Petitioner sought the assistance of her former attorney, JOSEPH HORSWILL , to make changes to her estate plan. On 11-22-13, he wrote to inform her that because he felt the plan was not in her best interest, he would not perform the legal work to accomplish her stated desires. In his letter, he stated that if Petitioner wished to contact another attorney to request that the work be done, he would cooperate as required by law for that purpose (Exhibit C).	
		Petitioner states she initially sought assistance from an attorney in New York City that she has known for many years, but was advised to locate a California attorney. Petitioner was then referred to Perkins, Mann & Everett. Mr. Rindlisbacher visited Petitioner at the facility where she has resided for over a year, and at Petitioner's request, contacted Attorney Horswill to request that he transfer Petitioner's files to Mr. Rindlisbacher's office.	
		Petitioner states that at her request, Mr. Rindlisbacher asked Somerford Place of Fresno to provide him with copies of all medical assessments and copies of her admission agreement; however, they have refused to provide him with those records despite Petitioner's signed written consent. They have taken the position that they will not abide by Petitioner's request without the consent of the agent designated in Petitioner's "facially valid" power of attorney. See Exhibit F.	
<input type="checkbox"/>	Aff. Posting		
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<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
SEE ADDITIONAL PAGES			Reviewed by: skc Reviewed on: 6-13-14 Updates: Recommendation: File 12 - Cordell

Page 2

Petitioner states Mr. Rolfe has hired Attorney Thomas Hornburg to represent him in his capacity as successor trustee of Petitioner's trust, and Mr. Hornburg has provided Mr. Rindlisbacher with a copy of a summary report of Petitioner's mental status as of April 2013 conducted by Alzheimer's & Memory Center. He has taken the position that Petitioner lacks the legal capacity to hire Mr. Rindlisbacher with her estate planning. See Exhibit G.

It is Petitioner's desire to terminate any authority she has granted to Mr. Rolfe or **JANELLE CHESKI-HILL** as an agent under her Durable Power of Attorney and to terminate any authority granted to Mr. Horswill, Mr. Rolfe, or Ms. Cheski-Hill as an agent under her Advanced Health Care Directive. See Revocations at Exhibits H and I.

Petitioner desires and intends to remove Mr. Rolfe as trustee of her trust and as executor under her will and to resume managing her own property. Petitioner wants to designate her longtime tax preparer **BILLIE MILES** as successor trustee of her trust and as executor. Petitioner also desires to remove Mr. Rolfe as a beneficiary under the trust and to leave the portion that was to go to him to two existing charitable beneficiaries. See Amendment at Exhibit J.

Legal Authorities: Petitioner cites Probate Code §4541, 4540, 4766, 4765. Probate Code §810 creates a rebuttable presumption that Petitioner has capacity to make decisions and be responsible for her own acts or decisions. Petitioner states she is not under conservatorship and there has never been a judicial adjudication that she lacks capacity. Petitioner wants to ensure that her desires regarding where she lives and how her estate is distributed are honored and desires to have an independent medical examination conducted by Dr. Howard Terrell, MD, of Clovis, CA, to assess her current legal capacity to contract, to make the desired changes to her estate plan, and to make medical and personal care decisions for herself. This medical assessment is critical because of the position being taken by Mr. Rolfe and others based on the April 2013 assessment. The estimated cost is \$4,000.00.

See also Points and Authorities in Support of Petition.

Petitioner prays for the following orders:

- 1. All Durable Powers of Attorney executed by Petitioner have been revoked and the power granted to any agents therein is terminated;**
- 2. All Advanced Health Care Directives executed by Petitioner have been revoked and the power of any agents designated therein is terminated;**
- 3. Petitioner Melinda Cordell has the legal capacity to make any and all health care decisions, including the decision as to where she will reside;**
- 4. Such other orders as the Court deems appropriate.**

Phillip Rolfe's Opposition to Petition filed 3-14-14 states: This case concerns the health, safety and financial security of Petitioner Melinda Cordell, all of which are in jeopardy due to the overzealous "advocacy" of Petitioner's purported attorney Curtis Rindlisbacher. This case demonstrates a flaw in the ethical standards of the practice of law in the State of California whereby the estate of an at-risk elder in need of the utmost care can be placed in peril due to the "assistance" of an overly zealous advocate. This Court should dismiss the petition in its entirety for lack of legal basis for the relief requested, or in the alternative, dismiss the petition pursuant to Probate Code §§ 4543 and 4768, and terminate jurisdiction to grant Mr. Rindlisbacher any compensation from Petitioner's estate.

SEE ADDITIONAL PAGES

Page 3

Objector states Petitioner was diagnosed with dementia less than a year ago on 4-17-13 by Alex Sherriffs, M.D., and Marcy Johnson, Ph.D., of the UCSF Fresno Alzheimer's & Memory Center. Petitioner presently resides in the dementia unit of Somerford Place Alzheimer's Assisted Living Facility in Fresno. On or about 2-3-14, Attorney Rindlisbacher met with Petitioner for the first time in the dementia unit of her assisted living facility. During this consultation, Petitioner was allegedly convinced that her trusted friend of many years, Respondent Phillip Rolfe, was not acting in her best interests. However, the true facts are that Mr. Rolfe has prudently and successfully managed Petitioner's finances since he was appointed as sole trustee of her trust and as her Attorney-in-Fact since 9-19-12. Mr. Rolfe states he only accepted this role out of deep care and concern for his friend and colleague of many years and because he knew there was no one else who would help her and ensure her proper care.

Objector states that contrary to the "factual background" carefully crafted by Mr. Rindlisbacher, Petitioner voluntarily gave up control of her personal finances and health care decisions and appointed Mr. Rolfe as her trustee because she was suffering from early onset dementia, and due to her inability to care for herself, had become malnourished and had fallen at her home. During her treatment, her impaired mental capacity was discovered. With the assistance of her longtime attorney Joseph Horswill, Petitioner executed the documents necessary to ensure her continued health and financial protection by Mr. Rolfe. Mr. Rindlisbacher was notified of these facts in writing by both Mr. Horswill and Mr. Rolfe's attorney, and Mr. Rindlisbacher was provided with a copy of the detailed assessments and recommendations made by the UCSF Fresno Alzheimer's & Memory Center. See Objection for details of the assessments.

Objector states the Court lacks authority to grant the relief requested with respect to the POA and should deny the petition in its entirety. Petitioner refers to only Probate Code §4541(a) for determination of whether the POA "is in effect or has terminated." However, Probate Code §4541(d) clearly provides that determination that a POA has been "revoked" requires a judicial determination of all of the following: the attorney-in-fact has violated or is unfit to perform the fiduciary duties; at the time of the determination, the principal lacks capacity to give or revoke a POA; the revocation of the attorney-in-fact's authority is in the best interest of the principal or the principal's estate.

There are no allegations that Mr. Rolfe is unfit and the facts would not bear this out. There is no allegation that Petitioner lacked capacity to execute the POA originally in 2012. To the contrary, Petitioner alleges that she is capable. Finally, there is no allegation that the revocation is in the best interest of the principal. Mr. Rolfe has prudently managed Petitioner's estate since he accepted the role of her fiduciary.

Objector states if Petitioner is truly seeking relief under §4541(a) as alleged, then Petitioner has failed to allege any facts as to why the POA would not be effective. Petitioner has failed to allege that said document was not executed by Petitioner or that Petitioner was not capable at the time of execution. There is no allegation that Mr. Rolfe or any other agent has terminated his or her authority thereunder. There is simply no authority to grant the requested relief under §4541 or any other section of the Probate Code with respect to the POA and therefore the petition should be denied.

Objector states the Court should dismiss the petition with respect to the POA because these proceedings are not reasonably necessary for the protection of Petitioner's financial interests. With respect to a petition filed under §4541, §4543 provides in part that the court may dismiss a petition that is not reasonably necessary for the protection of the interests of the principal or the principal's estate. Petitioner has failed to allege any factual basis to support the contention that this petition is reasonably necessary for the protection of her financial interests or estate. The reason for this deficiency is because there are no facts to support such a contention. Assuming Petitioner has standing to institute these proceedings, that does not mean that there are any grounds for the relief requested. Mr. Rolfe has prudently invested the assets of Petitioner and meticulously accounted for each and every expenditure made for her benefit since he assumed the role of her fiduciary.

SEE ADDITIONAL PAGES

Page 4

Objector states there is a very real possibility that due to Petitioner's relatively meager assets, her estate will not be sufficient to provide for her necessary care for the rest of her life. Any drain on these assets by frivolous proceedings such as these will be catastrophic for Petitioner's prospects of continuing to receive the standard of care that she enjoys and requires in light of her age and condition. Thus, this petition and the costly independent medical evaluation requested by Petitioner herein are simply not reasonably necessary and should be dismissed pursuant to §4543.

This petition should be dismissed and any subsequent requests by Mr. Rindlisbacher to recoup his fees or costs from Petitioner's estate should be denied.

Objector states the Court lacks authority to grant the relief requested with respect to the Advanced Health Care directive and should therefore deny the petition in its entirety. Petitioner cites only §§ 4766(a)&(b) and requests a judicial determination that all Advanced Health Care Directives executed by petitioner have been revoked and the power of any agents designated therein is terminated. Probate Code §4766(d) actually relates to termination of the authority of an agent with respect to an advanced health care directive and provides that a petition may be brought for the purpose of declaring that authority is terminated upon determination that the agent has violated, failed to perform, or is unfit, etc., and that at the time of the determination by the court, the patient lacks capacity to execute or revoke same.

Here, there are no allegations that the health care agent authorized anything illegal or that the agent has engaged in any negligence or misconduct. Based on the facts alleged, there is no authority to grant the relief requested and the petition should be denied.

Objector states the Court should dismiss the petition because the proceedings are not reasonably necessary for the protection of Petitioner as a patient. Petitioner fails to allege any factual basis to support the contention that this petition is reasonably necessary for Petitioner's protection. Assuming Petitioner has standing to initiate these proceedings, that does not mean there are grounds for the relief requested. Petitioner is receiving sufficient care with the assistance of her health care proxy. She is currently residing in a facility capable of providing the care she requires and under the continued prudent financial management of Mr. Rolfe, it is anticipated that she will have the resources to remain there.

Petitioner lacks capacity to make her own financial or health care decisions, and therefore lacks the ability to revoke the POA or the Advanced Health Care Directive. See details and authority in Opposition.

Objector states the additional examination requested by Petitioner is unnecessary and would be a substantial and unnecessary burden on her estate. See letter from physician dated 11-27-12 and patient summary report referenced above dated 4-17-13. These evaluations included a physical and neuropsychological evaluations, a multidisciplinary team conference and a comprehensive interview with Ms. Cheski-Hill, Petitioner's good friend and agent for health care, and someone who has spent much time with her over the years. Dementia is a progressive disease and symptoms gradually worsen over time and cannot be reversed, only managed. In light of the very recent diagnosis and the progressive nature of the disease, it would be both medically unnecessary and a wasteful financial burden on Petitioner's estate to allow for the costs of the requested assessment.

Objector states Petitioner was incapable of contracting for legal services; therefore, Mr. Rindlisbacher is not Petitioner's attorney and the Court should terminate jurisdiction to award attorney's fees to Mr. Rindlisbacher. Authority provided.

SEE ADDITIONAL PAGES

Mr. Rolfe respectfully requests that this Court:

1. Dismiss the Petition to Determine Whether Health Care Directive has Terminated; OR IN THE ALTERNATIVE, order that the Health Care Directive has not been revoked or terminated;
2. Dismiss the Petition to Determine Whether Durable Power of Attorney has terminated, OR IN THE ALTERNATIVE, order that the Durable Power of Attorney has not been revoked or terminated;
3. Terminate the Court's ability to award attorney's fees and costs to Attorney Rindlisbacher in this matter; and
4. Such other orders as the Court deems appropriate.

Response filed by Attorney Horswill (represented by Attorney Joseph F. Foares of Tulare) filed 3-14-14 states: Mr. Horswill has been the attorney representing Petitioner Melinda Cordell for over 15 years. Mr.

Horswill provided estate planning for Ms. Cordell during that time period and has had numerous discussions with her over the years as to her desires to live out her life. These desires were set forth not only in the prior will and powers of attorney executed by Ms. Cordell, but later, and most recently, in 2010 and thereafter when she drafted her revocable living trust and powers of attorney which remain in effect as of the date of the petition. As set forth in Mr. Horswill's declaration, Mr. Horswill believes it is in Ms. Cordell's best interest to have the estate planning documents that she executed in 2010 and her subsequent resignation executed in 2012 remain in effect.

Mr. Horswill states the issue of the attorney's duty to his client once the client becomes incapacitated is one that is somewhat complicated and not specifically addressed in the Ethical Rules of Professional Responsibility. Mr. Horswill requests the Court take judicial notice of the ethics opinion from the Bar Association of San Francisco with regard to Model Rule 1.14(b) – If the attorney reasonably believes that the client cannot act in the client's own interest, the attorney may take appropriate protective measures to preserve the client's personal property.

Mr. Horswill states he has been providing Ms. Cordell legal representation for over 15 years and has come to know her very well. Over the course of the last 12-18 months, Mr. Horswill has seen a steady decline in her physical and mental state, so much so, that he determined that she was no longer able to act in her own best interest. As a result, Mr. Horswill contends she is best served to now rely on her estate plan, allowing Mr. Rolfe to handle her affairs, as he has been doing so diligently and competently in the past. Further, Mr. Horswill believes that the status quo of her estate plan best serves her needs and that she should remain as a resident of Somerford Place, but will abide by any orders the Court issues on her behalf.

SEE ADDITIONAL PAGES

Declaration filed concurrently by Attorney Horswill states: Mr. Horswill does not intend nor attempt to breach Ms. Cordell's rights to her attorney-client privilege. The below statements are stated in generalities and are not specific details of conversations or work-product. Mr. Horswill respectfully requests the Court allow him to supplement the declaration in camera. Mr. Horswill states he met Ms. Cordell in or about February 1997 when she requested his assistance in a bankruptcy matter. From that date forward, he has had numerous conversations with her either in his office or at her residence. In March 1998 he prepared estate planning documents for Ms. Cordell pursuant to her request consisting of a will and powers of attorney for finances and health care. From March 1998 through March 2005, they had several different conversations regarding her estate planning and wishes as to actions to be taken should she become deceased or incapacitated. On or about March 2005, he prepared a new will to modify the terms of her prior will.

In July 2010, based on some inheritance received, Mr. Horswill's office prepared a trust entitled "The Melinda Cordell 2010 Trust dated August 13, 2010." Pursuant to many discussions, the POA for finances and health care were also revised. Ms. Cordell expressed unequivocal confidence in her friend Phillip Rolfe to be the trustee and handle administration should she become deceased or incapacitated. As to the general power of attorney, she once again expressed confidence in her friend Phillip Rolfe and her friend Janelle Cheski-Hill as agent in fact. For health care, Mr. Horswill states he reluctantly agreed to act as agent with Mr. Rolfe as alterantive agent. Later Mr. Rolfe was named as sole agent under both as well as trustee.

Mr. Horswill states that on or about September 2012, Ms. Cordell suffered an injury and her health began to significantly decline. While she may or may not have been incompetent at that time, she nevertheless agreed to resign her position as trustee and allow Mr. Rolfe to serve as trustee and handle her finances from that point forward. It is Mr. Horswill's belief that this was a proper and courageous decision by Ms. Cordell given her decline in health.

Throughout 2012-2013, Mr. Horswill states he met with Ms. Cordell on a number of occasions, and at each visit felt her health had declined from the previous visit. In early 2013, he found her somewhat confused and incoherent, and determined it was not in her best interest to make further changes to her estate planning after his last meeting with her by phone in November 2013. His suspicions were confirmed when he received the medical evaluation. Throughout the middle and later part of 2013, Mr. Horswill received a significant amount of phone calls from Ms. Cordell requesting to terminate the trsut and that she be allowed to move to "her home" in Colorado. Although Mr. Horswill indicated to her on those occasions that she does not own property in Colorado, she insisted that she did, which further supported his belief that she was unable to handle her affairs.

Mr. Horswill states that he has found Mr. Rolfe to be a very competent and compassionate person. He has taken over duties as successor trustee and has done an outstanding job. This includes his assistance in placing Ms. Cordell at Somerford Place, which in Mr. Horswill's opinion is an appropriate place for her to reside. Based on his prior relationship and conversations with Ms. Cordell over the last 15 years, Mr. Horswill believes it is in Ms. Cordell's best interest to remain at Somerford Place and to retain Mr. Rolfe as successor trustee as he has done so diligently in the past, all without any compensation for his work.

Mr. Horswill feels this litigation filed by Mr. Rindlisbacher threatens not only to undermine Ms. Cordell's estate planning as she intended it to be, but also could have a substantial effect on her capacity to meet those needs.

SEE ADDITIONAL PAGES

“Joseph Lewis Horswill’s Response to the Petition in Support of his Response to Principal’s Petition to Determine Whether Advance Health Care Directive has Terminated; Petition to Determine Whether Durable Power of Attorney has Terminated” filed 3-28-14 states: Mr. Horswill has represented Ms. Cordell for over 15 years and during that time has had numerous discussions with her as to her desires to live out her life. These desires were set forth not only in the prior Will and Powers of Attorney executed by Ms. Cordell, but later, and most recently, in 2010, and thereafter, when she drafted her revocable living trust and powers of attorney which remain in effect as of the date of the petition. Mr. Horswill believes it is in the best interest of Ms. Cordell to have the estate planning documents she executed in 2010 and her subsequent resignation as trustee, executed in 2012, remain in effect. Mr. Horswill has the obligation to take protective matters to respect and to carry out his clients wishes if incapacitation occurs. See authority re duty.

“Phillip Rolfe’s Verified Opposition to Petition to Determine Whether Health Care Directive has Terminated and Petition to Determine Whether Durable Power of Attorney has Terminated; Memorandum of Points and Authorities Thereof” filed 4-16-14 states: The Court should dismiss this petition in its entirety for lack of legal basis for the relief requested or in the alternative dismiss the petition in its entirety pursuant to §§ 4543 and 4768 and terminate jurisdiction to grant Rindlisbacher any compensation from Petitioner’s estate. Petitioner voluntarily gave up control of her finances and health care decisions and appointed Mr. Rolfe because she was suffering from early onset dementia. She had become malnourished and had fallen at her home. Her impaired mental capacity was discovered by treating physicians. With the assistance of her longtime attorney Mr. Horswill, Petitioner executed the documents necessary to ensure her continued health and financial protection by Mr. Rolfe. Mr. Rindlisbacher was notified of these facts in writing prior to the filing of this petition, and was also provided a copy of the detailed assessments and recommendations made by UCSF Fresno Alzheimer’s & Memory Center less than one year ago.

The Court lacks authority to grant the relief with respect to the POA and should deny the petition in its entirety pursuant to Probate Code §4541. See details in Opposition.

The Court should dismiss the petition with respect to the POA because the proceedings are not reasonably necessary for the protection of Petitioner’s financial interests pursuant to Probate Code §§ 4541, 4543.

The Court lacks authority to grant the relief requested with respect to the Advanced Health Care Directive and should therefore deny the petition in its entirety pursuant to Probate Code §4766.

The Court should dismiss the petition with respect to the Advanced Health Care Directive because these proceedings are not reasonably necessary for the protection of Petitioner as a patient pursuant to Probate Code §§ 4766, 4768.

Petitioner lacks the capacity to make her own financial or health care decisions and therefore lacks the ability to revoke the POA or Advance Health Care Directive. See Probate Code §§ 4609, 911, other authority cited.

The additional medical examination requested by Petitioner is unnecessary and would be a substantial and unnecessary burden on Petitioner’s estate.

Petitioner was incapable of contracting for legal services; therefore, Rindlisbacher is not Petitioner’s attorney and the Court should terminate jurisdiction to award attorney’s fees to him.

SEE ADDITIONAL PAGES

Phillip Rolfe's Response to Ex Parte Petition to Set Matter for Hearing filed 5-7-14 states that on 3-25-14, the Court continued the matter and set status for 6-17-14 re completion of a new assessment. The Court further ordered that if the assessment was completed earlier said conference could be set before 6-17-14. Despite the fact that the court specifically ordered status conference in this matter, Petitioner filed an ex parte petition to set hearing. Mr. Rolfe requests the Court deny the request to set a contested hearing at this time, and requests that the Court set the ex parte hearing so that all parties may have the opportunity to be present so that further status may be scheduled.

(1) Petition for Final Distribution on Waiver of Accounting and (2) for Allowance of Statutory

DOD: 12/24/2004			PAMELA GAY LASSLEY , Executor, is petitioner.			NEEDS/PROBLEMS/COMMENTS:		
Cont. from								
	Aff.Sub.Wit.		Executor		-	waives	1. Petitioner was formerly represented by Attorney Dorsey Dwelle. Attorney Dwelle is now deceased. His estate would be entitled to a portion of the statutory attorney fees.	
✓	Verified		Attorney		-	???	2. Need inventory and appraisal.	
	Inventory	X	Proposed distribution is to:					3. Need property tax certificate.
	PTC	X						Pamela Gay Lassley -
	Not.Cred.		Nancy McMurray -		\$38,881.79	5. Petition and proposed order do not include the terms of the trust in its entirety.		
✓	Notice of Hrg		Robert Lee Sharrah -		\$38,881.79	6. Order does not comply with Local Rule 7.6.1		
✓	Aff.Mail	W/	Richard Sharrah -		\$33,381.79			
	Aff.Pub.							
	Sp.Ntc.							
	Pers.Serv.							
	Conf. Screen							
✓	Letters	6/7/05						
	Duties/Supp							
	Objections							
	Video Receipt							
	CI Report							
✓	9202							
✓	Order							
	Aff. Posting							
	Status Rpt							
	UCCJEA							
	Citation							
	FTB Notice	N/A						

Age: 8 years		FELIPE BAUTISTA , father, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		MARIA BAUTISTA , paternal grandmother, was appointed Guardian on 5/8/2006. Personally served on 05/15/2014.	1. Need <i>Notice of Hearing</i> and proof of service of the notice for: a. Vanessa Nicole Noriega, mother; b. Victor Manuel Noriega, maternal grandfather; c. Kathy Ann Noriega, maternal grandmother.
Cont. from 042914		Father: FELIPE E. BAUTISTA	2. The Notice of Hearing appears to be a copy. Need original.
<input type="checkbox"/>	Aff.Sub.Wit.	Mother: VANESSA NICOLE NORIEGA	
<input checked="" type="checkbox"/>	Verified	Paternal grandfather: Antonio Bautista. Deceased.	
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC	Maternal grandfather: Victor Manuel Noriega	
<input type="checkbox"/>	Not.Cred.	Maternal Grandmother: Kathy Ann Noriega	
<input checked="" type="checkbox"/>	Notice of Hrg	Petitioner states he does not know why his visitation was terminated. He states he was not properly served that is why he wasn't present in court at the last hearing.	
<input type="checkbox"/>	Aff.Mail	Petitioner wants his visitation back, he states it is not fair to his son that he has to go through this. Petitioner wants his relationship back with his son.	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input checked="" type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen	Notes for background:	
<input type="checkbox"/>	Letters	<ul style="list-style-type: none"> Guardian MARIA BAUTISTA filed on 8/27 2013 a petition for modification of the 5/8/2012 visits, requesting that father's visits be supervised for the minor's own protection. Guardian stated the minor informed her that his father's wife hits him and mistreats him, and that his father hits him with the belt for no reason. The minor informed the Guardian that he is afraid to go to the father's house because his father and the wife argue all of the time, and the father does not comply with the Court order regarding no unsupervised visits around his wife. 	
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order	<input checked="" type="checkbox"/>	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: LV Reviewed on: 06/13/2014 Updates: Recommendation: File 15 – Bautista

16 Christopher Gimlin, Jr., Tyler Gimlin & Isaak Gimlin (GUARD/P)

Case No. 14CEPR00220

Atty Bishop, Randy Lee (pro per Petitioner/maternal uncle)

Petition for Appointment of Guardian of the Person (Prob

Christopher age: 16	<p>THERE IS NO TEMPORARY. No temporary was requested.</p> <p>RANDY BISHOP, maternal uncle, is petitioner.</p> <p>Father: CHRISTOPHER GIMLIN, Sr. – personally served with the petition on 5/12/14.</p> <p>Mother: LAVENDER TYLER – personally served on 5/25/14, without a copy of the petition.</p> <p>Paternal grandfather: Deceased Paternal grandmother: Robin Rodriguez – consents and waives notice.</p> <p>Maternal grandfather: David Tyler – consents and waives notice. Maternal grandmother: Chancelyn Tyler – consents and waives notice.</p> <p>All three minors consent and waive notice.</p> <p>Petitioner states the parents are not able or responsible enough at this time. Petitioner wants to keep the minors together.</p> <p>Court Investigator Julie Negrete's Report filed on 5/5/14.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Proof of service indicates the father, Christopher Gimlin, Sr. was served with a copy of the Petition but does not indicate he was served with the Notice of Hearing as required. Note: Father was served in jail by the Sherriff's Department. 2. Proof of service of the Notice of Hearing does not indicate the mother, Lavender Tyler was served with a copy of the petition as required. 3. Petition states the minors do not have any Native American Ancestry. Court Investigator's Report states according to the Petitioner, the minors have Miwok and Blackfoot Cherokee ancestry but states they are not able to be registered. Probate Code §1460.2 states if the Court or petitioner knows or has reason to know that the proposed ward may be an Indian child, notice shall be sent to all tribes of which the child may be a member or eligible for membership until the court makes a determination as to which tribe is the Indian child's tribe. Court Investigator gave an ICWA packet to the petitioner however it has not been returned for service on the tribes.
Tyler age: 15		
Isaak age: 13		
Cont. from 051414		
Aff.Sub.Wit.		
✓ Verified		
Inventory		
PTC		
Not.Cred.		
✓ Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
✓ Pers.Serv.		
✓ Conf. Screen		
✓ Letters		
✓ Duties/Supp		
Objections		
Video Receipt		
✓ CI Report		
9202		
✓ Order		
Aff. Posting		
Status Rpt		
✓ UCCJEA		
Citation		
FTB Notice		
<p>Reviewed by: KT</p> <p>Reviewed on: 5/8/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 16 - Gimlin</p>		

Petition for Appointment of Temporary Guardianship of the Person (Prob. C. 2250)

Age: 3 months		<u>TEMPORARY EXPIRES 06/17/2014</u>	NEEDS/PROBLEMS/COMMENTS:
		<u>GENERAL HEARING 08/11/2014</u>	1. Need Child Information Attachment (GC 210(CA)) which lists the relatives of the minor and addresses Indian ancestry.
Cont. from		CAROLINA PARKER , paternal aunt, is petitioner.	
	Aff.Sub.Wit.		
✓	Verified	Father: JOHNNY W. BOLECH , consents and waives notice, personally served on 06/06/2014	
	Inventory		
	PTC	Mother: TERESA G. FARKAS , consents and waives notice, personally served on 06/06/2014	
	Not.Cred.		
✓	Notice of Hrg	Petitioner states: the parents are homeless and not able to properly care for the child. Father has a long history of substance abuse and incarceration. Each of the parents consent to the guardianship however now they have made demands to have the minor returned to their custody. Petitioner fears the parents are using the child to obtain emergency housing and cash aide, as they are homeless and have no jobs or source of income.	
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.		
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: LV
			Reviewed on: 06/16/2014
			Updates:
			Recommendation:
			File 17 - Bolech

Petition for Appointment of Temporary Guardianship Person (Prob. C. 2250)

Age: 13 years		<u>GENERAL HEARING 8/11/14</u>		NEEDS/PROBLEMS/COMMENTS:	
		JESS PEREZ , non-relative, is petitioner.		1. Mother was served by mail on 6/9/14. Probate Code §2250 requires personal service of the Notice of Hearing along with a copy of the petition. 2. Need proof of personal service of the Notice of Hearing along with a copy of the petition or consent and waiver of notice on the minor, Sergio Munoz. 3. Need Declaration of Due Diligence for the unknown father.	
		Father: UNKNOWN			
		Mother: ELISHA RESENDEZ – Fresno County Jail.			
Cont. from		Paternal grandparents: Unknown			
	Aff.Sub.Wit.	Maternal grandfather: Frank Gable			
✓	Verified	Maternal grandmother: Lucy Latrell – consents and waives notice.			
	Inventory				
	PTC				
	Not.Cred.				
✓	Notice of Hrg				
✓	Aff.Mail	W/	Petitioner states mom is currently in jail and will be there for a minimum of six months. The biological father is unknown to petitioner. The child is currently in petitioner's care and there is no one else who is able to care for him. Petitioner states he is the father of two of the minor's siblings. He helped raise the minor and is the only father he knows.		
	Aff.Pub.				
	Sp.Ntc.				
	Pers.Serv.				
✓	Conf. Screen				
✓	Letters				
✓	Duties/Supp				
	Objections				
	Video Receipt				
	CI Report				
	9202		Reviewed by: KT Reviewed on: 6/16/17 Updates: Recommendation: File 18 - Munoz		
✓	Order				
	Aff. Posting				
	Status Rpt				
✓	UCCJEA				
	Citation				
	FTB Notice				

19 **Miguel Banda, III, Benjamin Rolando Banda, Mylie Destiny Banda, and Alymay Elvira Salazar (GUARD/P)** Case No. 14CEPR00220

Atty Silva, Joseph (Pro Per – Maternal Grandfather - Petitioner)
 Atty Garcia, Rosemary (Pro Per – Maternal Grandmother - Petitioner)
 Petition for Appointment of Guardian of the Person

			NO TEMP REQUESTED	NEEDS/PROBLEMS/COMMENTS:
			JOSEPH SILVA and ROSEMARY GARCIA, Maternal Grandparents, are Petitioners.	1. The father was served by mail. However, Probate Code §1511 requires personal service for the parents. The Court may require personal service.
			Father: MIGUEL BANDA, JR. - Served by mail 4-14-14	
<input checked="" type="checkbox"/>	Aff.Sub.Wit.		Mother: JESSICA SALAZAR - Nominates Petitioners as guardians - Personally served 4-14-14	
<input checked="" type="checkbox"/>	Verified			
	Inventory			
	PTC			
	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg		Paternal Grandfather: Miguel Banda, Sr. - Served by mail 4-14-14	
<input checked="" type="checkbox"/>	Aff.Mail	w	Paternal Grandmother: Anita Nino - Served by mail 4-14-14	
	Aff.Pub.			
	Sp.Ntc.		Petitioners state the children were removed from the mother's care by CPS on 3-18-14 and placed in Petitioners' custody.	
<input checked="" type="checkbox"/>	Pers.Serv.	w	Court Investigator Jennifer Daniel filed a report on 6-10-14.	
<input checked="" type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
	Objections			
	Video Receipt			
<input checked="" type="checkbox"/>	CI Report			
<input checked="" type="checkbox"/>	Clearances			
<input checked="" type="checkbox"/>	Order			
	Aff. Posting			
	Status Rpt			
<input checked="" type="checkbox"/>	UCCJEA			
	Citation			
	FTB Notice			
				Reviewed by: skc
				Reviewed on: 6-16-14
				Updates:
				Recommendation:
				File

Atty Walters, Jennifer L. (for Lana Pratt – guardian)

Atty Ruiz, Richard A. (for Angelina Collins – Petitioner – Mother)

Petition for Termination of Guardianship

Nathaniel, 3	ANGELINA COLLINS , mother, is Petitioner.		NEEDS/PROBLEMS/COMMENTS:
Malichi, 2			
	LANA PRATT , maternal grandmother, was appointed guardian on 11/26/12. – served by mail on 02/10/2014		This matter is set for 10am. Minute Order of 04/15/2014: The Court Investigator is ordered to continue the investigation and secure the assistance of Kern County if necessary. 1. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Termination of Guardianship</i> <u>or</u> <i>Declaration of Due Diligence</i> <u>or</u> <i>Consent & Waiver of Notice</i> for: <ul style="list-style-type: none"> - Paternal grandparents (not listed) - Kurt Ricardo (maternal grandfather) 2. Need Order.
Cont. from 041514			
<input type="checkbox"/> Aff.Sub.Wit.	Father: NATHANIEL COMENGER , consents and waives notice		
<input checked="" type="checkbox"/> Verified			
<input type="checkbox"/> Inventory	Paternal grandparents: NOT LISTED		
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.	Maternal grandfather: KURT RICARDO		
<input checked="" type="checkbox"/> Notice of Hrg	Petitioner states: it has been almost 15 months since the guardianship of her boys was granted. She was very upset about her children being taken away and reacted with hatred and anger. She states she wants to be a better mother for her children and has therefore been attending counseling, she voluntarily enrolled in a parenting class, is seeking employment and has also moved into a better neighborhood. She states that the father of the children was also attending the parenting classes with her. The mother states that she and the father are residing together and plan on being together permanently.		
<input checked="" type="checkbox"/> Aff.Mail			
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.			
<input type="checkbox"/> Conf. Screen			
<input type="checkbox"/> Letters			
<input type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input checked="" type="checkbox"/> CI Report			
9202	Petitioner respectfully requests that Court grant her petition for termination of the guardianship. She knows that she can provide for her children. It would be in their best interest to be with their mother and father. She states she will ensure that they receive proper medical attention, ensure their hygiene is kept up, that they have a clean home to come to and a room and bed of their own.		
<input type="checkbox"/> Order	<input checked="" type="checkbox"/>		
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
Please see additional page			Reviewed by: LV Reviewed on: 06/16/2014 Updates: Recommendation: File 3 – Collins

Objection to Mother's Request for Termination of Guardianship filed 04/15/2014 by the Guardian, Lana Pratt, states during the last year there has been nothing but problems with the children's mother. There were times she would show up at the guardian's home yelling and screaming. She would also call to inform the guardian that her boyfriend was beating her up. In November 2013 called indicating that her boyfriend threw her up against the wall and she was afraid to call the police. Guardian states she cannot figure out what is going on with the mother and her living situation.

During the first court proceeding, the children's father, Nathaniel Comeger was not engaged with the children or the case in any way. In his declaration filed with this current petition he indicates he and Angelina were still in a relationship during the time he resided in Colorado, which is the same time the initial guardianship was taking place. Angelina provided his contact information to the Court Investigator. The Investigator's report indicated Angelina to be home with her boyfriend, Norris Cobb, during the home visit. This is the same boyfriend she subsequently had a child with. Mr. Comenger has not been a part of the children's lives and is only assisting Angelina now because they appear to be back in a relationship.

After the incident in November, the guardian told Angelina she was going to move the children to Bakersfield, as their family resides there. Guardian was afraid of the issues that were occurring with the mother and the people she was associated with. The mother has not made any effort to call or set up a visit with the children since the move.

The boys are doing well, there has been great strides made last year. Nathaniel has been involved with special education to work with his learning disability. Malachi is now speaking and potty trained.

Guardian is requesting the Court deny mother's petition for termination of guardianship. The children do not recognize their mother, which is very sad. She needs to work on a visitation schedule before anything else progresses or changes.

Court Investigator Dina Calvillo's report filed 04/09/2014.

Court Investigator Mario Correa, of Kern County, report filed 06/12/2014.

Court Investigator Dina Calvillo's report filed 06/12/2014.